

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 011907C]****Atlantic Highly Migratory Species; Exempted Fishing Permits**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: NMFS has decided not to proceed with issuing exempted fishing permits (EFPs) to collect data during Atlantic billfish tournaments to evaluate the impacts of J-style fishing hooks (J-hooks) and heavy tackle on Atlantic blue marlin. NMFS may consider potential strategies or mechanisms to mitigate impacts on tournaments in the future.

FOR FURTHER INFORMATION CONTACT: Russell Dunn or Randy Blankinship, 727-824-5399; fax: 727-824-5398.

SUPPLEMENTARY INFORMATION: EFPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic Highly Migratory Species (HMS). NMFS received EFP applications from five Atlantic billfish tournament operators on behalf of 15 tournaments requesting exemptions from requirements for anglers fishing from HMS permitted vessels and participating in Atlantic billfish tournaments to use non-offset circle hooks when using natural bait and natural bait/artificial lure combinations. The requests were received for tournaments that would operate in the U.S. Southeast Atlantic and Gulf of Mexico.

NMFS has considered public comment received on the final Environmental Impact Statement for the final Consolidated HMS Fishery Management Plan (October 2, 2006; 71 FR 58058); comment received during the October 3-4, 2006, Highly Migratory Species Advisory Panel meeting (August 30, 2006; 71 FR 51577); and public comment received in response to a notice of intent to issue EFPs (November 27, 2006; 71 FR 68558). Comments received expressed concern over the difficulty of standardizing fishing gear type and use in a tournament setting.

Comments also expressed concern over the quality of data collected in a tournament setting and the data's scientific applicability given the fishing characteristics of tournaments (fast paced activity, focus on catching and retaining specific species and/or size classes, and varying tournament rules). Finally, comments were received that expressed a general lack of support for conducting research and/or data collection in tournaments for the reasons stated above. NMFS worked with billfish tournament constituents to address the concerns over study design and data collection; however, difficulty continued in resolving many of the concerns.

As a result, NMFS has determined that collection of data to evaluate the impacts of J-hooks and heavy tackle on Atlantic blue marlin during billfish tournaments in the U.S. Atlantic and Gulf of Mexico would be problematic because of the varying conditions and methodologies discussed above that would likely occur within tournaments and between tournaments. NMFS will consider potential strategies and mechanisms other than EFPs to mitigate the impacts of specific hook requirements on Atlantic billfish tournaments and tournament participants in future rulemaking.

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: January 29, 2007.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****[I.D. 011807C]****Fisheries of the Northeast Region; Fisheries of the Southeast Region; Fisheries off West Coast States; and Fisheries in the Western Pacific**

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notification of determinations of overfishing, and a need to revise a rebuilding plan.

SUMMARY: This action serves as a notice that NMFS, on behalf of the Secretary of Commerce (Secretary), has determined that overfishing is occurring in fisheries for northeast winter skate; Gulf of

Mexico (GOM) gag and gray triggerfish; and Eastern Pacific Ocean yellowfin tuna. NMFS has also determined that the rebuilding plan for GOM greater amberjack needs to be revised. NMFS notified the respective regional fishery management councils (Councils) responsible for these fisheries of its determinations by letter. The Councils are required to take action within one year following NMFS notification that overfishing is occurring or a stock is approaching overfishing, a stock is overfished or approaching an overfished condition, or existing remedial action taken to end overfishing or rebuild an overfished stock has not resulted in adequate progress.

FOR FURTHER INFORMATION CONTACT:

Mark Millikin, telephone: (301) 713-2341.

SUPPLEMENTARY INFORMATION: Pursuant to sections 304(e)(2) and (e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1854(e)(2) and (e)(7), and implementing regulations at 50 CFR 600.310(e)(2), NMFS sends written notification to fishery management councils when overfishing is occurring or a stock is approaching overfishing; a stock is overfished or approaching an overfished condition, or existing action taken to end previously identified overfishing or rebuilding a previously identified overfished stock or stock complex has not resulted in adequate progress. On October 11, 2006, the NMFS Southeast Regional Administrator sent a letter, notifying the Gulf of Mexico Fishery Management Council (GOM Council) that overfishing is occurring in GOM gag and gray triggerfish. Pursuant to section 304(e)(7) of the Magnuson-Stevens Act, NMFS also notified the GOM Council in the same letter that the rebuilding plan for GOM greater amberjack needs to be revised so that it can still rebuild to the stock's target biomass (B_{msy}) by the end of the time frame for that stock's rebuilding plan.

On October 17, 2006, the NMFS Northeast Regional Administrator sent a letter notifying the New England Fishery Management Council that overfishing is occurring in the winter skate fishery.

On October 25, 2006, the NMFS Southwest Regional Administrator sent a letter notifying the Pacific Fishery Management Council that overfishing is occurring on the Eastern Pacific Ocean stock of yellowfin tuna.

Copies of the notification letters sent to the fishery management councils for the aforementioned determinations are